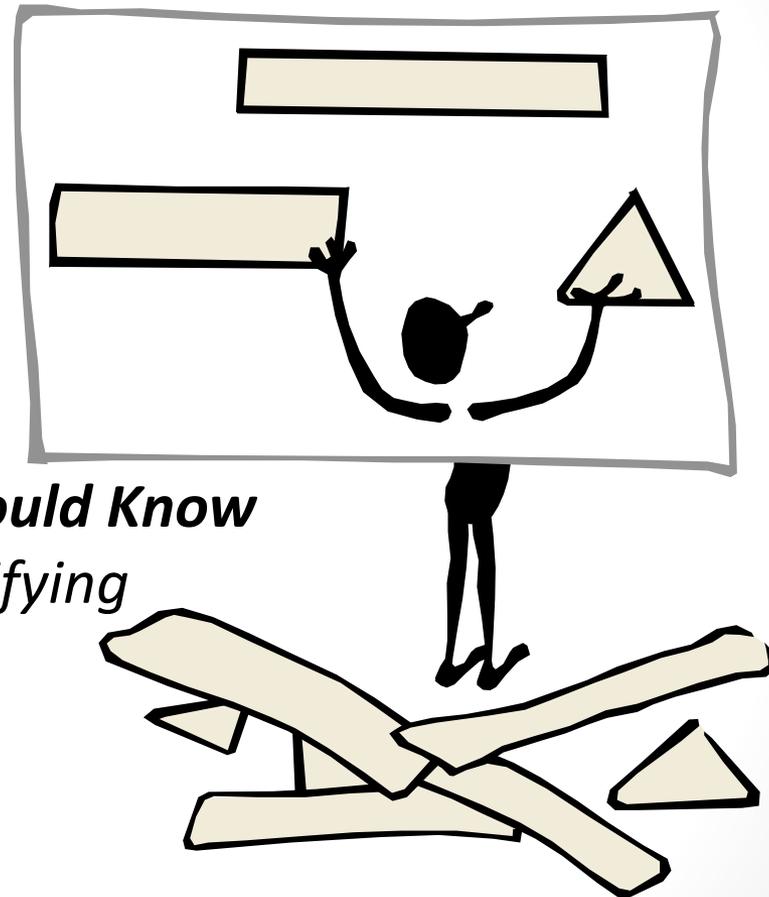




Office of Classification

Revisions,
Revisions...

***What Derivative Classifiers Should Know
about DOE Order 475.2B, Identifying
Classified Information***





DOE Order 475.2B, Identifying Classified Information

This briefing provides Derivative Classifiers with an overview of the changes they should be aware of in DOE Order 475.2B



Reasons for Revision

- Lessons learned since DOE Order 475.2A was issued
- Questions/feedback from the classification community
- Inspector General's Report (*Review of Controls Over the Department's Classification of National Security Information*, March 2014)



Changes to Responsibilities





Changes to Responsibilities

- Challenges
 - DCs must respond
 - Have more instruction regarding their role in the classification challenge process
 - More detail concerning process
- Declassification Proposals added
- Working Papers - now included in DC training



Changes to Attachment 1



Contractor Requirements Document



Emphasis on Oversight and Management

- Renewed emphasis on oversight and quality assurance of contractors' classification programs and subordinate elements.
- Highlights importance of not penalizing classification officials who misclassify documents who act under proper authority and make reasonable interpretations of guidance.



Changes to Attachment 4



Classification/Declassification Review Requirements



Classification Review Requirements for Extracts

- Extract - A newly generated document that consists of a complete section (e.g., chapter, attachment, appendix) of an existing document - now specify treatment for classified and unclassified extracts, respectively.
 - Classified
 - Must be reviewed by a DC if intended as standalone classified document
 - Must be reviewed for declassification if intended to be an unclassified document
 - Unclassified – Complete section marked in its entirety as unclassified intended as a standalone document, review not required unless for public release



Classification Review Requirements for CIS Printed Output

- Classified Information System (CIS) printed output. Now allows DC-review requirement to be waived if:
 - Electronic version has already been reviewed and properly marked
 - Output is a working paper that is properly marked at the highest potential level and category or marked and protected as “system high”
 - CO has verified that the system produces output at a consistent classification level/category, and output has been marked to reflect it



Basis for Determination

- RD/FRD – unclassified topics from canceled or obsolete guides may be used to determine that information is not classified when no current guidance exists
- NSI – DCs may use source document to classify any email or any other document that contains NSI outside the DCs jurisdiction or subject areas or when the CO specifically approves use of source documents



Basis for Determination NSI Emails

- Changes mean that DCs may classify response to an NSI email using the received email as a source document, even if the original email is outside of their jurisdiction or subject areas of authority.
- Implementation will be on the local level; check with your CO for the rules within your organization



Marking – Declassification Date Format

- Classification Authority Block- format for declassification date YYYYMMDD
- Consistent with E.O. 13526
- Not required format for date of guide

Classified By:	Jane Doe, General Engineer, DOE, RP-61
Derived From:	CG-SS-4, 9/12/2000, DOE OC
Declassify On:	20290920



Marking

- Special Control Marking
 - Clarified marking is required to prevent inadvertent release of RD/FRD/TFNI and ensure NSI classification has not been extended
 - Clarified it is not required for any IN/IC documents



Marking Commingled Documents

- Declassify On: N/A to RD (or FRD) portions, See source list for NSI portions
- Source list not on front page of document, must have longest duration for each NSI source cited

SECRET

Subject: (U) Marking an

(SRD) This is the portio
portion that is classified
RESTRICTED DATA.

(S) This portion is SEC

(C) This portion is CO

RESTRICTED DATA

This document contains RESTRICTED DATA as defined in the Atomic Energy Act of 1954. Unauthorized disclosure subject to Administrative and Criminal Sanctions.

Classified by: John Smith, Dir
Derived from: **Multiple Sourc**
Declassify on: N/A to RD port
list for NSI portions

SECRET

SECRET - RD

Source list:

CG-X-5, 10/16/95, DOE OC, Declassify NSI on: 25X8, when vulnerability no longer exists

TR-143, 3/21/97, DOE OC; Declassify on: N/A for RD portions

Memo, "Funding Problems," 3/15/05, DP/NR; Declassify NSI on: 20200315

SECRET - RD



Marking Commingled Documents - Single Page

Option 1 - Source list at bottom of document, below and clearly identified separate from classification authority block

SECRET

(U) Document with RD and NSI – single page document with source list on first page

(S-RD) This paragraph contains SECRET RESTRICTED DATA information. Therefore, this portion would be marked with the designation “S-RD” in parentheses.

(S) This paragraph contains SECRET NSI information. Therefore, this portion would be marked with the designation “S” in parentheses.

(C) This paragraph contains CONFIDENTIAL NSI information. Therefore, this portion would be marked with the designation “C” in parentheses.

(U) Note: Automatic declassification of documents containing RD or FRD is prohibited. Documents marked as containing RD or FRD are excluded from the automatic declassification provisions of the Executive Order until the RD or FRD designation is properly removed by the Department of Energy. For commingled documents, the “Declassify On” line required shall not include a declassification date or event and shall instead be annotated with “Not Applicable (or N/A) to RD/FRD portions” and “See source list for NSI portions.” The source list must be separate from the classifier marking and clearly identified as the source list.

RESTRICTED DATA
This document contains Restricted Data as defined in the Atomic Energy Act of 1954, as amended. Unauthorized disclosure is subject to administrative and criminal sanctions.

RD Classifier: John Smith, Director, OH-101
Derived from: Multiple Sources
Declassify on: N/A to RD portions
See source list for NSI portions

Source List:

1. TR-143, 3/21/97, DOE OC; Declassify on: N/A to RD portions.
2. CG-X-5, 10/16/95, DOE OC; Declassify on 25x8, February 4, 2061
3. Memorandum dated 12/1/03 Subj: Funding Problems Department of Good Works; Declassify on: January 31, 2018

SECRET



Marking Commingled Documents - Single Page

Option 2

- Declass instructions at end of NSI portions
- Declassify On: N/A to RD (or FRD) Portions, See NSI portions for instructions

SECRET

(U) Document with NSI and RD – single page document
Option for NSI paragraphs marked with declassification instructions

(U) Note: Since a separate page is required for source lists, placing the declassification instructions at the end of the portion eliminates the need for a separate page in the case of single page documents.

(SRD) This paragraph contains SECRET RESTRICTED DATA. Therefore, this portion would be marked with the designation “SRD” in parentheses. No declassification instructions are required for this paragraph. However, the end of the paragraph may be noted with **(Declassification N/A to RD portions.)**

(S) This paragraph contains SECRET NSI information. Therefore, this portion would be marked with the designation “S” in parentheses. In addition, the declassification instructions for this portion may be included at the end of the portion in parentheses, as follows: **(Declassify this portion on: 25X8, 2/4/2061)**

(C) This paragraph contains CONFIDENTIAL NSI information. Therefore, this portion would be marked with the designation “C” in parentheses. In addition, the declassification instructions for this portion may be included at the end of the portion in parentheses, as follows: **(Declassify this portion on: 01/31/2018)**

RESTRICTED DATA
This document contains Restricted Data as defined in the Atomic Energy Act of 1954, as amended. Unauthorized disclosure is subject to administrative and criminal sanctions.

Classifier: John Smith, Director, OH-101
Derived from: CG-X-5, 10/16/95, DOE OC
Declassify on: N/A to RD portions
See NSI portions for instruction

SECRET



Inconsistent or No Guidance

- Addresses what to do when guidance is inconsistent or not available
 - Contact local CO
 - Protect at the most restrictive level and category or the highest potential level and category pending a determination



Challenges - DC Responsibilities

- DCs may receive challenges to their classification decisions at any time
- DCs must be familiar with challenge procedures
- DCs *must* respond to any challenges received. Resolve locally and informally if possible.
- DCs should advise employees that there will be no retribution for challenges
- DC must advise employee may submit a formal challenge directly to the Director, OC at any time



Formal Challenge Process

- Formal challenges normally follow the classification chain of authority (CO, Field Element CO, PCO)
- However, employees may submit a formal challenge directly to the Director, OC at any time
- Director, OC coordinates formal challenges with cognizant CO, PCO and responds within 60 days
- NSI Appeals
 - Director, OC responds within 60 days or notifies challenger if the response will be after 60 days. If no response is received within 120 days, challenger may forward challenge to Interagency Security Classification Appeals Panel (ISCAP)
 - If challenger is not satisfied, appeal to AU-1 who coordinates with NNSA, Chief of Defense Nuclear Security, when appropriate
 - If AU-1 does not respond within 90 days or employee is not satisfied, employee may forward challenge to ISCAP
- RD/FRD
 - If employee not satisfied with OC response, appeal to AU-1 who coordinates with NNSA, Chief of Defense Nuclear Security, when appropriate
 - No appeal to ISCAP



Declassification Proposals

- Employees encouraged and expected to submit proposals to declassify information the employee believes no longer requires protections
- Submitted in writing to include description of information and reason for request
- May be submitted to local CO, PCO or directly to Director, OC
- Director, OC will coordinate with appropriate officials



Changes to Attachment 5



Classification Program Evaluations



Self-Assessments and Evaluations

- Self-assessments, evaluations, and classification decision reviews differentiated and clarified
- DCs may be called upon to provide data (e.g., number of documents reviewed, information regarding the documents)
- DCs may be asked to provide documents to review for correct classification and marking



Changes to Attachment 6



Classification Education Program



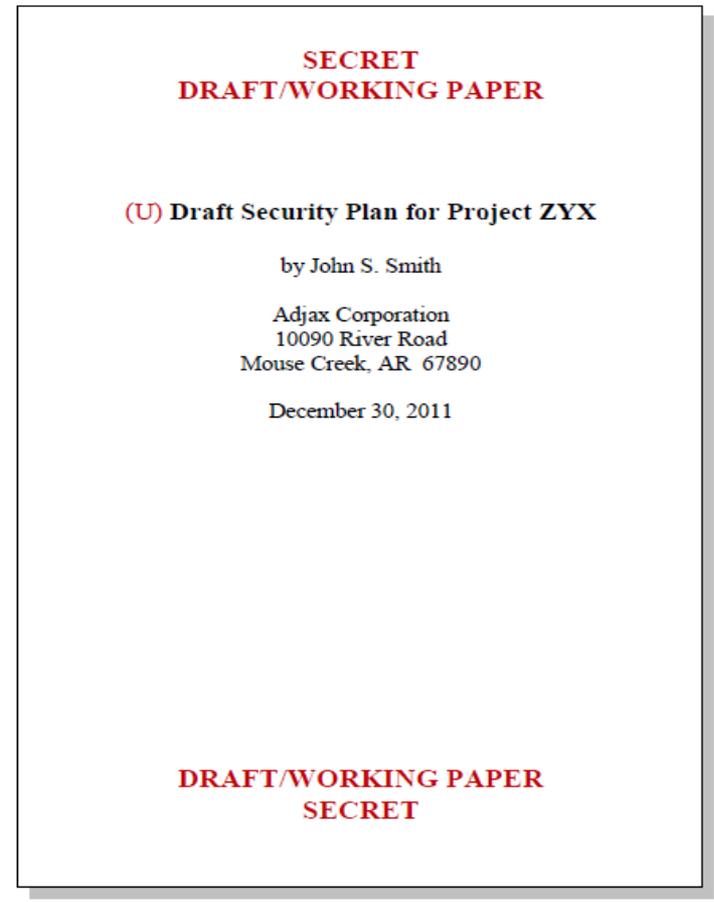
Getting Educational...

- DCs must have initial training at appointment and retraining every two years thereafter.
- Education of DCs must now include:
 - Basics of using and classifying working papers
 - Responsibilities in handling classification challenges



Working Papers

- Marked as “Draft” or “Working Paper” on front cover until marked as final
- Dated when created
- Protected and marked as highest level and category with caveats, as applicable
- Protected by approved cover sheet
- Must be marked as final when
 - Released by originator outside originating activity
 - Retained more than 180 days from date of origin
 - Filed permanently
- Working papers frequently updated may be considered re-originated upon each change – date must be clearly indicated on document





Where can you find the Order?

- Once it is issued, the revised Order will be available on the DOE Directives website:

<https://www.directives.doe.gov/>



Who do I contact if I have questions about the Order Revisions?

- Your Classification Officer/Classification Representative
- The Classification Outreach Program

(301) 903-7567

outreach@hq.doe.gov